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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 78/724,473 MORSE ELITE, filed on 30 September 2005 and  
published 16 January 2007

BORGWARNER INC.,

Opposer,

v.

MORSE AUTOMOTIVE CORPORATION,

Applicant.

Opposition No. 91177292

**TTAB**



**ANSWER**

06-28-2007

U.S. Patent & TMO/TM Mail Rcpt Dt. #01

Applicant Morse Automotive Corporation (herein "Applicant") hereby answers  
Opposer's Notice of Opposition:

Responding to Opposer's introductory paragraph, Applicant is without knowledge or  
information sufficient to form a belief as to the truth of the allegation contained in the  
introductory paragraph of the Notice of Opposition and therefore denies same. Applicant admits  
it is the owner of Application Serial No. 78/724473 MORSE ELITE.

1. Responding to Par. 1 of the Notice of Opposition, Applicant is without knowledge or  
information sufficient to form a belief as to the truth of the allegation contained in Par. 1  
and therefore denies same.
2. Responding to Par. 2 of the Notice of Opposition, Applicant is without knowledge or  
information sufficient to form a belief as to the truth of the allegation contained in Par. 2  
and therefore denies same.
3. Responding to Par. 3 of the Notice of Opposition, Applicant is without knowledge or  
information sufficient to form a belief as to the truth of the allegation contained in Par. 3  
and therefore denies same.
4. Responding to Par. 4 of the Notice of Opposition, Applicant is without knowledge or  
information sufficient to form a belief as to the truth of the allegation contained in Par. 4  
and therefore denies same.

5. Responding to Par. 5 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 5 and therefore denies same.
6. Responding to Par. 6 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 6 and therefore denies same.
7. Responding to Par. 7 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 7 and therefore denies same.
8. Responding to Par. 8 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 8 and therefore denies same.
9. Responding to Par. 9 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 9 and therefore denies same.
10. Responding to Par. 10 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 10 and therefore denies same.
11. Responding to Par. 11 of the Notice of Opposition, Applicant admits it filed SN 78/724473 MORSE ELITE for disc brakes, disc brake pads and brake shoes for vehicles but Applicant denies that its action was detrimental to the interests of Opposer.
12. Responding to Par. 12 of the Notice of Opposition, Applicant admits it filed

MORSE FRICTIONMASTER 78/724493  
MORSE 78/724372  
MORSE CERAMIC 78/724436  
MORSE ULTRA LIFE 78/724497  
MORSE EXTREME 78/724485

but Applicant denies that its action was detrimental to the interests of Opposer.

13. Responding to Par. 13 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Par. 13 and therefore denies same.
14. Responding to Par. 14 of the Notice of Opposition, Applicant denies that its goods are so

closely related to the goods of Opposer that the public is likely to be confused, to be deceived, and to assume erroneously that Applicant's goods are those of Opposer or that Applicant is in some way connected with, sponsored by, or affiliated with Opposer or that any harm will befall Opposer.

15. Responding to Par. 15 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 15 and therefore denies same.
16. Responding to Par. 16 of the Notice of Opposition, Applicant admits it is not affiliated with Opposer and denies the balance of the allegations of paragraph 16.
17. Responding to Par. 17 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 17 and therefore denies same.
18. Responding to Par. 18 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 18 and therefore denies same.
19. Responding to Par. 19 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 19 and therefore denies same.
20. Responding to Par. 20 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 20 and therefore denies same.
21. Responding to Par. 21 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 21 and therefore denies same.
22. Responding to Par. 22 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 22 and therefore denies same.
23. Responding to Par. 23 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 23 and therefore denies same.
24. Responding to Par. 24 of the Notice of Opposition, Applicant denies Opposer will be damaged by registration of its mark ELITE for the goods claimed in the application.

Applicant prays that the Opposition will be dismissed and the mark registered.

Dated this 25<sup>th</sup> day of June 2007.

MORSE AUTOMOTIVE CORPORATION

  
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**CERTIFICATE OF SERVICE**

I, James Michael Faier, an attorney, certify that I served a copy of this document on counsel for opposers on 25 June 2007 by regular US mail, postage prepaid, to:

Charles R. Schaub, Esq.  
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by:

  
James Michael Faier

signed: 25 June 2007

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)**

Name of Filer: James Michael Faier

SN 78/724473 MORSE ELITE

Type of paper: Answer

I hereby certify that the above identified correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

on 25 June 20007 (mailing date).

James Michael Faier

25 June 2007 (signature date)